

MELINDA HAAG (CABN 132612)
United States Attorney

J. DOUGLAS WILSON (DCBN 412811)
Chief, Criminal Division

PHILIP A. GUENTERT (CABN 14734)
Assistant United States Attorney

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5079
FAX: (408) 535-5066
philip.guentert@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 13-00345-EJD
)	
Plaintiff,)	GOVERNMENT'S SENTENCING
)	MEMORANDUM RE: LISA McMAHON
v.)	
)	
LISA McMAHON,)	
)	
Defendant.)	Date: September 25, 2014
)	Time: 1:30 PM
)	Court: Hon. Edward J. Davila

The United States of America, by and through MELINDA HAAG, United States Attorney for the Northern District of California, Philip A. Guentert, Assistant United States Attorney for said District, hereby submits this sentencing memorandum concerning defendant Lisa McMahon. As discussed below, the Government respectfully requests that the Court impose a sentence upon the defendant at the low end of the applicable Guideline range, a sentence of 33 months incarceration, which is also the recommendation of the Probation Office.

The Presentence Report calculates the offense level based on the conviction for Count One to be twenty. Given defendant's criminal history category of I, the applicable Guideline range is 33 to 41 months incarceration.

1 In mitigation of the defendant's punishment, the government notes that she has accepted
2 responsibility by her plea of guilty (a factor incorporated in the aforementioned Guideline calculation).
3 Because, in part, she will not be entrusted with large sums of money in the future, the chances of
4 recidivism on the scale of her original offense seem small.

5 In aggravation, the defendant's crime was not one of opportunity. Defendant engaged in an
6 extensive fraud that required skill and effort to execute and conceal over a period of more than six years.
7 Furthermore, the fraud was directed at people who had placed their faith in her to discharge significant
8 responsibilities at her discretion and convenience, without the oversight warranted by her undetected
9 criminality (which abuse of trust is, as above, also incorporated in the Guidelines calculation). What is
10 worse, she victimized an institution trying to devote limited resources to its mission of serving the public
11 interest by advancing human knowledge about the natural environment.

12 For the aforementioned reasons the government respectfully requests the Court to impose a
13 sentence consistent with, albeit at the low end of, the applicable Guidelines range.

14 DATED: August 19, 2014

15 Respectfully submitted,
16 MELINDA HAAG
United States Attorney

17 _____/s/_____
18 PHILIP A. GUENTERT
19 Assistant United States Attorney
20
21
22
23
24
25
26
27
28